IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5514 OF 2007

In

CASE NO.141 OF 2000

Indrapati Dharmaraj Yadav : Petitioner

(Orig.Resp. No.1)

V/s.

Bharat M. Surani & Ors. : Respondents

...

Mr.O.P.Pandey i/b. Mr.A.P.Mishra for the petitioner.

Mr.Om Prakash Shukla for the respondents.

...

CORAM : S.A.BOBDE, J.

DATE : AUGUST 16, 2007.

P.C.

1. Rule, returnable forthwith.

Heard by consent.

2. The petitioner has suffered a decree of eviction under section 24 of the Maharashtra Rent Control Act, 1999 as a licensee. The only contention raised by Mr.Pandey, the learned counsel for the petitioner, is that no decree of eviction could have been passed against the petitioner as a licensee under section 24 of the Maharashtra Rent

Control Act because the licence under which the petitioner was occupying the premises was not registered. He relies on section 24 read with section 55 of the Maharashtra Rent Control Act. A plain perusal of those provisions shows that the licences which are entered into after the commencement of the Act alone are required to be in writing and registered under the Registration Act, 1908. In this case, the licence in writing was for the period from 1.1.1998 to 30.11.1998. There is no licence in writing. Hence, there is no question of applicability of the restriction imposed by section 55. There is also no merit in the contention that section 24 is not applicable because the licence is not in writing and registered.

3. A similar case has been decided by the learned single Judge of this Court in Mrs.Anjali Jayant Gandhi v. Mr.Ramesh Gopal Vagholikar (2005 (2) All MR 73). I am in agreement with that view. There is no merit in the petition which is hereby dismissed. The rule stands discharged.

4. In view of the dismissal of the Writ Petition, the Civil Application does not survive and the same stands disposed of.

5. Mr.Pandey seeks time to vacate and states that he will

furnish an undertaking on behalf of the petitioner that the petitioner will vacate within a period of six months from today. Two weeks' time is granted to file the usual undertaking in writing. In the meanwhile, the petitioner is restrained from inducting any third-party or creating any rights in favour of any third-party.

6. S.O. for two weeks for filing the undertaking.

S.A. BOBDE, J.